

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PATRICK J. BOOTH,

Plaintiff,

v.

L. CARROL,

Defendant.

Case No. 1:20-cv-01067-CDB (PC)

ORDER DIRECTING CLERK TO CLOSE
THE CASE

(Doc. 16)

Plaintiff Patrick J. Booth is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action filed under 42 U.S.C. § 1983.

On June 1, 2023, Plaintiff filed a notice voluntarily dismissing this action with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). (Doc. 16.) Once a dismissal under Rule 41(a)(1) is properly filed, no order of the court is necessary to effectuate dismissal; the dismissal is effective automatically. *Com. Space Mgmt. Co. v. Boeing Co.*, 193 F.3d 1074, 1078 (9th Cir. 1999). Therefore, this action has been terminated with prejudice. Fed. R. Civ. P. 41(a)(1)(A)(i); *Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir. 1997).

Notwithstanding Plaintiff's use of the caption "Forced Voluntary Withdraw[all]" in his filing, nothing in the filing and nothing in the docket suggests the requested dismissal by Plaintiff is anything but voluntary. Plaintiff's notice of voluntary withdrawal follows this Court's screening of Plaintiff's first amended complaint. (Doc. 15.) In that order, the Court found Plaintiff had pleaded a cognizable First Amendment claim but for a proper pleading for relief

1 pursuant to Fed. R. Civ. P. 8(a). (*Id.* at 8-9.) Thus, the Court granted Plaintiff 30 days to file an
2 amended complaint, “or, in the alternative, file a notice of voluntary dismissal.” (*Id.* at 11.) By
3 his filing, Plaintiff has chosen, voluntarily, to dismiss the action in lieu of filing an amended
4 complaint.

5 Accordingly, the Clerk of Court is directed to administratively close the case.

6 IT IS SO ORDERED.

7 Dated: **June 4, 2023**

8 
UNITED STATES MAGISTRATE JUDGE